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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,100	10/21/2002	Martin Philip Usher	11696.0054	1690

7590 05/17/2005

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EXAMINER

DOAN, KIET M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/069,100

Applicant(s)

USHER ET AL.

Examiner

Kiet Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10,12,13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 11 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on 12/09/2004 under 37 CFR 1.131 is sufficient to overcome the Vialen and Bartholomew reference.

Allowable Subject Matter

2. **Claims 11 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Consider claims 11 and 14, the prior art does not teach or suggest setting status of the user's cellular telephone to busy regardless of the actual operating state of the user's cellular phone.

Response to Arguments

3. Applicant's arguments with respect to claims 9, 13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuohino (Patent No. 5,577,264) in view of Rappaport et al. (Patent No. 6,477,373).

Consider **claim 9**, Tuohino teaches a method for facilitating telephone traffic between a fixed cellular network and a movable network aboard a vehicle, comprising: configuring a ground-based host node to forward incoming calls from the fixed cellular network to the a user through the moveable network, and to forward outgoing calls from the user (C4, L30-67, Fig.1, Illustrate Fixed network communicated with mobile radio system means as mobile/movable network). Tuohino teaches the limitation of claim **but fail to teach** suspending, in response to a control signal, forwarding incoming calls to the user; wherein said suspending forwarding incoming calls does not disconnect a call in progress between the user and the fixed network.

In an analogous art, Rappaport teaches "Method and apparatus to maintain connectivity for mobile terminals in wireless and cellular communications system". Further, Rappaport teach suspending, in response to a control signal, forwarding incoming calls to the user; wherein said suspending forwarding incoming calls does not disconnect a call in progress between the user and the fixed network (C2, L29-58 teach the suspended that calls does not disconnect).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tuohino and Rappaport system, such that telephone traffic between a fixed cellular network and a movable network aboard a vehicle and forward incoming calls from the fixed cellular network to the a user

through the moveable network without disconnect call, to provide means for secure call and uninterrupted communication in moving traffic.

Consider **claim 10**, Tuohino teaches the method wherein said configuring comprises registering routing information for a telecommunications device associated with the user aboard the vehicle (C1, L23-33, C4, L1-12).

Consider **claims 13 and 16**, Tuohino teaches a ground-based host node configured to facilitate telephone traffic between a fixed cellular network and a movable network aboard a vehicle (C4, L30-67, Fig.1), comprising: a ground station configured to, in response to a user registration aboard a vehicle, forward incoming calls from the fixed cellular network to a user through the moveable network, and to forward outgoing calls from the user to the fixed network (C3, L54-67, C5, L37-61);

Rappaport teaches the ground station being configured to at least temporarily discontinue, in response to a control signal, forwarding incoming calls to the user; wherein the discontinuation in response to said control signal does not affect a call in progress between the user and the fixed network (C5, L2-52).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tuohino and Rappaport system, such that traffic between a fixed cellular network and a movable network aboard a vehicle and ground station being configured to temporarily discontinue call wherein the discontinuation in response to said control signal does not affect a call in progress

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between the user and the fixed network, to provide means for reliable communication between moving and stationary network.

5. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuohino (Patent No. 5,577,264) in view of Rappaport et al. (Patent No. 6,477,373) and further view of.

Consider **claim 12 and 15**, Tuohino and Rappaport teach the limitation of claim as discuss above **but fail to teach** the method wherein said suspending incoming calls comprises de-registering the routing information.

In an analogous art, Kuznicki teaches "Selective call receiver capable of suspending acknowledge back signals and method therefor". Further, Kuznicki teaches the method wherein said suspending incoming calls comprises de-registering the routing information (C6, L53-65).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Tuohino, Rappaport and Kuznicki system, such that suspending incoming calls comprises de-registering the routing information, to provide means for preventing unauthorized users making call.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

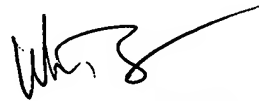
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan
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